

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

CARA LESLIE ALEXANDER,	)	
et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil No. 96-2123
	)	97-1288
	)	(RCL)
FEDERAL BUREAU OF	)	
INVESTIGATION, et al.,	)	
	)	
Defendants.	)	
_____	)	

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiffs' Motion [625] for Show Cause Order Concerning Threatened Retaliation Against Counsel; Plaintiffs' Unopposed Motion [665] for Extension of Time to File Reply to Government Defendants' Opposition to Plaintiffs' Motion for Show Cause Order; and Plaintiffs' Motion [668] to Extend Time to Two Days to Reply to Government Defendants' Opposition to Plaintiffs' Motion for Show Cause Order. Upon consideration of these motions, the government defendants' opposition to plaintiffs' motion for order to show cause, and plaintiffs' reply thereto, the court will GRANT nunc pro tunc Plaintiffs' Unopposed Motion [665] for Extension of Time to File Reply to Government Defendants' Opposition to Plaintiffs' Motion for Show Cause Order; GRANT nunc pro tunc Plaintiffs' Motion [668] to Extend Time to Two Days to Reply to Government Defendants' Opposition to Plaintiffs' Motion

for Show Cause Order; and DENY Plaintiffs' Motion [625] for Show Cause Order Concerning Threatened Retaliation Against Counsel.

Plaintiffs' counsel asks this court to order defendant Executive Office of the President, defendant Federal Bureau of Investigation, and non-party Internal Revenue Service to "provide . . . a complete, thorough and sworn explanation of comments attributed to White House aides, as quoted in the article entitled *Despite Denials, Clinton is Planning a Full Campaign of Retribution in Capitol Hill Blue*, February 12, 1999, concerning a campaign of retribution against Larry Klayman and Judicial Watch, Inc." Plaintiffs' Proposed Order. The Internet article on which plaintiffs' motion is based attributes to an unnamed person, alleged to be a "White House aide," the statement that the White House had a "revenge list" of adversaries, which includes Klayman. Plaintiffs' Motion at 1. According to this unnamed source, the White House is about to embark upon a "campaign of retribution" against the people who appear on this list. See id. Aside from other inferences and accusations, this is the only direct evidence of such a "campaign" alleged by plaintiffs. Plaintiffs do, however, state that they have "some important, highly relevant, yet confidential information that bears directly" on their motion, but they ask to be allowed to submit this information ex parte and in camera, "to protect innocent sources, who themselves may be subject to retaliation." Plaintiffs' Reply at 4. All of this evidence,

according to plaintiffs, shows that the parties against whom the order to show cause is sought are "likely" guilty of obstruction of justice under 18 U.S.C. § 1503.

The court will deny plaintiffs' motion. This is not the first time the court has been called upon by plaintiffs to issue an order to show cause in this matter. In conjunction with the deposition of Harold Ickes, plaintiffs sought an order to show cause why the deponent should not be held in criminal contempt, aside from various other remedies. In denying plaintiffs' motion in that instance, the court noted that it was "not willing to engage in satellite contempt proceedings" without sufficient supporting evidence. Alexander v. FBI, Civ. No. 96-2123, Memorandum and Order at 17 (D.D.C. Dec. 23, 1998). The court finds that plaintiffs' present motion falls prey to the same flaw. Plaintiffs can only point to an unsubstantiated, uncorroborated statement made by an unnamed source in an Internet news service for the piece of information that serves as the entire basis for plaintiffs' motion. Over two months have passed since the time of filing of this motion, and plaintiffs have not supplemented their filing with any further evidence of retaliation against Klayman. Finding insufficient evidence for an order to show cause predicated upon retaliation against opposing counsel,<sup>1</sup> plaintiffs' motion will be

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<sup>1</sup>It should be noted that the Internal Revenue Service is not even a party to the matter before the court. Plaintiffs point to no authority to support the proposition that the court has the authority to order a government agency not a party to the suit to

denied. Plaintiffs may re-submit their motion at any time along with evidence that will substantiate their claims, but the court will not allow them to submit information on this point in camera and ex parte without some further basis. The court has allowed such submissions from two non-parties in the past only to determine whether claimed privileges applied. Accepting an ex parte, in camera submission to support allegations of criminal conduct made by one party against the opposing party is an entirely different matter.

For the reasons given above, the court HEREBY ORDERS that:

1. Plaintiffs' Unopposed Motion [665] for Extension of Time to File Reply to Government Defendants' Opposition to Plaintiffs' Motion for Show Cause Order is GRANTED, nunc pro tunc.

2. Plaintiffs' Motion [668] to Extend Time to Two Days to Reply to Government Defendants' Opposition to Plaintiffs' Motion for Show Cause Order is GRANTED, nunc pro tunc.

3. Plaintiffs' Motion [625] for Show Cause Order Concerning Threatened Retaliation Against Counsel is DENIED.

SO ORDERED.

Date:

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Royce C. Lamberth  
United States District Court

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respond to an "order to show cause."